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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,742	07/10/2003	Johannes Maria Zandvliet	702-030799	2770

28289 7590 05/22/2007  
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EXAMINER
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LAZORCIK, JASON L

ART UNIT	PAPER NUMBER
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1731

MAIL DATE	DELIVERY MODE
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05/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/616,742

Applicant(s)

ZANDVLIET ET AL.

Examiner

Jason L. Lazorcik

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 48-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Upon further review of Applicants claimed subject material, the indicated allowability of claims 48-63 is withdrawn. Rejections of the indicated claims under 35 U.S.C. §112, first paragraph and 35 U.S.C. §112, second paragraph follow.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 48-63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With particular respect to Claim 48, the disclosure fails to provide adequate support for a method of manufacturing spherical glass articles in the manner claimed. Specifically, the claim 48 as currently presented recites the following steps;

- a) dividing liquid glass delivered from a single discharge opening into successive portions
- b) guiding "the portions" into "a mold" which is construed as guiding ALL of "the portions" into a single mold

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c) "Wholly enclosing" at least one figurine on or alternatively partially enclosing at least one figurine in the portions of glass guided into the mold.

The Examiner has found no support for the method steps as presently recited in the instant claim. Specifically, no support has been found for dividing molten glass discharged from a single "discharge opening" in to a plurality of portions which are subsequently guided into a single mold or "a mold". Further, the disclosure does not support a method wherein multiple "portions" of glass are first guided into a mold followed by a subsequent step of wholly or partially encasing a figurine within a single portion of glass.

Rather Applicants disclosure Pages 11-12, appears to support dividing glass via separate discharges (117, 118) into first and second glass portions (122, 121). At least one figurine is partially or wholly encased by repeating the following sequence; The first droplet (122) is guided by a first conduit (124) into a mold (126), a figurine is discharged onto the first portion in the mold, a second droplet (121) is directed onto the figurine in the mold by a second conduit (123), and the first glass portion, second glass portions, and the figurine are pressed in the mold into a generally spherical shape by pressing action of a stamp (133).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 48-63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 48, line 9 teaches that the liquid glass is divided into successive portionss (*plural*), Line 11 instructs that presumably all of “the portionss” are delivered into a mold (*reads singular mold*), and lines 12-14 dictate that the figurine is enclosed in “the portion” (*e.g. singular*). It is unclear which single “portion” of the claimed “the portionss” is here intended as the antecedent for the claimed “portion” in line 12.

Further, in line 12 it is unclear how the “at least one figurine” is to be enclosed “on” the portion. The term “enclose” is clearly defined in the American Heritage Dictionary according to the following;

1. To surround on all sides; close in.
2. To fence in so as to prevent common use: *enclosed the pasture.*
3. To contain, especially so as to envelop or shelter: *“Every one of those darkly clustered houses encloses its own secret” (Charles Dickens).*
4. To insert into the same envelope or package: *enclose a check with the order.*

Although an article may be enclosed *within* another body, it is unclear to the Examiner how Applicant intends to “wholly enclose” the figurine or to “*surround it on all sides*” when said figurine is simultaneously “on” or upon “the portion”.

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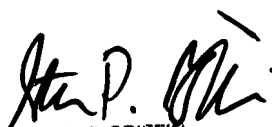
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Lazorcik whose telephone number is (571) 272-2217. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLL

  
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